



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#14  
3/3/03  
C. Stofe

In re application of:

Cai, *et al.*

Appl. No. 09/769,420

Filed: January 26, 2001

For: **Substituted Nicotinomides and  
Analogues as Activators of Caspases  
and Inducers of Apoptosis and the  
Use Thereof**

Confirmation No. 4240

Art Unit: 1624

Examiner: McKenzie, Thomas C.

Atty. Docket: 1735.0440001/RWE/RAS

**Notice of Appeal From the Examiner to the Board  
of Patent Appeals and Interferences - Small Entity**

Commissioner for Patents  
Washington, D.C. 20231

TECH CENTER 1600/2900

FEB 24 2003

RECEIVED

Sir:

Applicants hereby appeals to the Board of Patent Appeals and Interferences from the final decision of the Examiner dated **September 23, 2002**, in which claims 33-43, 45-47, 51-58, 60, 71, and 74-77 were finally rejected. The fee (for a qualified small entity) for filing a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (37 C.F.R. § 1.17(b)), along with any necessary extension fees (37 C.F.R. § 1.17(a)), is included in our PTO-2038 Credit Card Payment Form. In the event that extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert A. Schwartzman  
Agent for Applicants  
Registration No. 50,211

Date: February 19, 2003

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600

02/20/2003 BNGUYEN1 00000110 09769420

01 FC:2401

160.00 0P

::ODMA\MHODMA\SKGF\_DC1;102843;1